

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NO.: 1:21-CV-00067

DMARCIAN, INC.,

Plaintiff,

v.

DMARC ADVISOR BV,
f/k/a dmarcian Europe BV,

Defendant.

**PLAINTIFF'S MOTION IN LIMINE
TO EXCLUDE
EVIDENCE RELATING TO
CERTAIN COPYRIGHT RULINGS**

Plaintiff dmarcian Inc. hereby moves the Court to enter an order prohibiting Defendant DMARC Advisor BV f/k/a dmarcian Europe BV (“Defendant” or “DBV”) from introducing or otherwise referencing at trial:

- (1) The Court’s interlocutory rulings on Defendant’s motion for request to the Register of Copyrights (Doc. 206);
- (2) The Register’s response (Docs. 272-1 & 275-1);
- (3) The Court’s order on summary judgment (Doc. 360); and,
- (4) The Plaintiff’s efforts to register source code material with the Copyright Office post-dating the original 2012 source code. (altogether, the “Copyright Evidence”).

Plaintiff makes this Motion in Limine to exclude the Copyright Evidence and any references thereto under Rule 401 and 403 of the Federal Rules of Evidence on the grounds of irrelevance, risk of confusing the jury, waste of time, and for the additional reasons stated in the accompanying brief in support hereof.

Plaintiff certifies under LCvR 7.1(b) that the parties have conferred on their respective motions in limine and that Defendant objects to the relief requested by this motion.

This the 24th day of January, 2025.

/s/ Pamela S. Duffy

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AI CERTIFICATION

Undersigned counsel hereby certifies that no artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Lexis, FastCase, and Bloomberg.

Every statement and every citation to an authority contained in this document has been checked by an attorney in this case and/or paralegal working at his/her direction as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

This the 24th day of January, 2025.

/s/ Pamela S. Duffy

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE EVIDENCE RELATING TO CERTAIN COPYRIGHT RULINGS** was served upon counsel for all other parties to this action listed below by efiling a copy of the same utilizing the Western District of North Carolina's efiling system:

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This the 24th day of January, 2025.

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